

¹ The Board notes that, following the August 12, 2021 decision, OWCP received additional evidence. However, the Board's *Rules of Procedure* provides: "The Board's review of a case is limited to the evidence in the case record that was before OWCP at the time of its final decision. Evidence not before OWCP will not be considered by the Board for the first time on appeal." 20 C.F.R. § 501.2(c)(1). Thus, the Board is precluded from reviewing this additional evidence for the first time on appeal. *Id.*

the location where it would occur, appellant sustained an injury in the performance of her federal duties. The Director requested that the Board reverse the August 12, 2021 decision and remand the case. The Director indicated that, on remand, OWCP would accept that appellant's injury was sustained in the performance of duty; further develop the claim to determine the nature and extent of appellant's employment-related medical condition and any related disability; and authorize the payment of appropriate claimed benefits.

The Board has duly considered the matter and concludes that the Director's motion should be granted. Accordingly,

IT IS HEREBY ORDERED THAT the motion to reverse filed by the Director of the Office of Workers' Compensation Programs is granted. The decision of OWCP dated August 12, 2021 is reversed and the case is remanded for further proceedings consistent with this order of the Board.

Issued: May 3, 2022
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

Janice B. Askin, Judge
Employees' Compensation Appeals Board